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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,444	05/31/2001	Thomas W. Nickerson	OID06-37(2401)	8887

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EXAMINER	
AVELLINO, JOSEPH E	
ART UNIT	**PAPER NUMBER**
2143	

MAIL DATE	DELIVERY MODE
06/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/871,444	NICKERSON, THOMAS W.	
	Examiner	Art Unit	
	Joseph E. Avellino	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 May 2007*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13,14 and 30-45* is/are pending in the application.

4a) Of the above claim(s) *30,31 and 33-35* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *13,14,32,33 and 36-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 13, 14, and 30-35 are pending; claims 13, 30, 32, and 34 independent. In the response filed April 20, 2007, Applicant has elected without traverse Group I consisting of claims 13, 14, 32, and 33. Claims 30, 31, 34, and 35 are hereby withdrawn from consideration as being directed to a non-elected invention.

2. This action is a Supplemental action in response to the Amendment dated May 4, 2007. The Office acknowledges the addition of claims 36-45.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 20, 2007 has been entered.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13, 14, 32, 33, and 36-45 are rejected under 35 U.S.C. 101 because they are not statutory.

5. Referring to exemplary claim 13, a claim is statutory if it produces a "concrete, tangible, and useful result" See *State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. As such an embodiment of the claim is that if there is no content associated with the page, then the claim does nothing. In this sense the result of the claim is the mere determination of whether or not a cache hit occurred, which does not provide a tangible or useful result. Correction is required.

6. Claims 14, 32, and 33 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13, 14, 32, 33, and 36-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melamed et al. (US 2004/0128346) (hereinafter Melamed) in view of Lambert et al. (US 2002/0038350) (hereinafter Lambert).

8. Referring to claim 13, Melamed discloses a computer program product with a client with a local cache (the Office construes the term local cache as a cache which is

relatively closer to the client than the server) which, in response to receiving client input for content of a web page will determine if there is a cache hit (Figure 2, ref. 202), then determine if the content should be retrieved from the server (Figure 2, ref. 212) and transmit the request to a server (Figure 2, ref. 212, 216). Melamed does not disclose that the system will insert a unique identifier into the address. In analogous art, Lambert discloses another computer product for caching web pages which receives at a client input related to a request for content of a web page the request including an address for the web page (¶ 228-231); inserting a unique identifier into the address and transmitting the request to a server (¶ 228-231). It would have been obvious to one of ordinary skill in the art to combine the teaching of Melamed with Lambert in order to provide an efficient method of ensuring that the server request is directly from the server by inserting a unique identifier into the address in order to ensure that no stale copies are received by any other proxy servers which might have a stale copy of the data and would return that data instead of from the original content server, thereby guaranteeing that the returned data is a newly retrieved content object from the server.

9. Referring to claim 14, Melamed-Lambert discloses the invention substantively as described in claim 13. Melamed-Lambert do not explicitly disclose that the system determining whether the request is for a refresh of the current page or for a request for a previously displayed web page, however this feature is well known in the art to determine whether or not to serve a page from the cache or to retrieve a page from the server. By this rationale, "Official Notice" is taken that both the concepts and

advantages of providing for determining whether the request is a 'back' request or a current page refresh is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the teaching of Melamed-Lambert to include determining whether the request is a back request or a refresh request in order to aid in the determination of whether to service the page locally, since if the request is a back request, the page would have already been seen by the cache and would normally not be stale yet, thereby reducing unnecessary requests to the server.

10. Claims 32 and 33 are rejected for similar reasons as stated above.

11. Referring to claim 36, Lanbert discloses a URL to a content of a web page (¶ 230).

12. Referring to claim 37, Lambert discloses the address includes a query string, the unique identifier being appended to the address in the query string (i.e. a hyperlink is inherently a query string since once the user clicks upon the hyperlink, it requests the page from the server) (¶ 230).

13. Referring to claims 38 and 39, Lambert discloses the unique identifier includes a random number (i.e. the timestamp includes a math.Random() function as a seed into the timestamp) (¶ 230-231).

14. Referring to claim 40, Lambert discloses the unique identifier includes an alpha-numeric representation (i.e. the Office construes the term "alpha-numeric representation" as any character string which includes at least one letter or number", such as a timestamp) (¶ 230-231).

15. Claims 41-45 are rejected for similar reasons as stated above.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph E. Avellino, Examiner
May 22, 2007